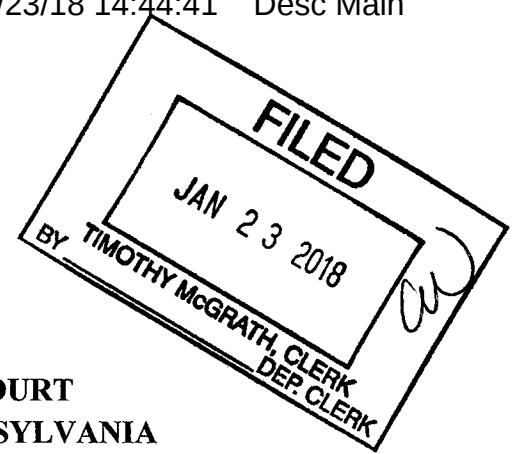


Judith Andrews Sheppard
2256 Washington Lane
Huntingdon Valley, PA 19006
215-938-8455
Judy.linsheppard@gmail.com



**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Judith Andrews Sheppard
Debtor

U.S. Bank National Association, as Trustee for
GSR Mortgage Loan Trust 2005-AR4,
Movant,

v.

Judith Andrews Sheppard,
and

Gary F. Seitz, Trustee,
Respondents.

Chapter 7

Bankruptcy Case No. 17-18194-mdc

**OPPOSITION/OBJECTION TO
MOTION OF U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
GSR MORTGAGE LOAN TRUST
2005-AR4 FOR RELIEF FROM
AUTOMATIC STAY UNDER §362
AND BRIEF IN SUPPORT**

**OPPOSITION/OBJECTION TO MOTION OF U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR GSR MORTGAGE LOAN TRUST 2005-AR4 FOR RELIEF FROM
AUTOMATIC STAY UNDER §362 AND BRIEF IN SUPPORT**

The undersigned Debtor and debtor-in-possession, Judith Andrews Sheppard (hereinafter “Debtor” and/or “Sheppard”) in the above-captioned Chapter 7 Case, respectfully submits this Opposition/Objection to the Motion for Relief from Automatic Stay pursuant to 11 U.S.C. §362 by Movant U.S. Bank National Association, as Trustee for GSR Mortgage Loan Trust 2005-AR4 and Brief in Support and specifically requests the Court to leave the automatic stay in place for at least sixty (60) days while Sheppard and her husband finish the process for the loan modification for which for which they believe they will qualify. Sheppard and her husband will submit an application imminently and will provide the Court with Notice when the submission has been completed.

BACKGROUND

On December 5, 2017, Sheppard filed for bankruptcy under Chapter 7 of the Bankruptcy Act. On December 5, 2017, the Court issued an order listing the remaining unfiled documents (hereinafter “Required Documents”) and requiring that they be filed on or before December 19, 2017.

On December 13, 2017, Sheppard filed a Motion to Extend Time to file the Required Documents. On December 18, 2017, the Court issued an order granting Sheppard’s Motion to Extend Time for the Required Documents to be filed by January 5, 2018. Please see December 18, 2017 Order attached hereto and incorporated herein as **Exhibit A**.

Even though Sheppard was prepared to file the Required Documents on Friday, January 5, 2018, due to the snow storm that occurred on January 4, 2018, the Court, including the clerk’s office, was closed, thus preventing Sheppard from filing the Required Documents on the due date.

On Monday, January 8, 2018 at approximately 9:30 AM, Sheppard timely filed the Required Documents in accordance with Federal Rules of Civil Procedure Rule 6(a)(3) at the clerk’s office. Sheppard possesses stamped copies of each of the Required Documents evidencing that they were filed (see also a copy of the docket, which is attached hereto as **Exhibit B**, which also shows that the Required Documents were filed on January 8, 2018).

Also on January 8, 2018, the same day Sheppard timely filed the Required Documents, this Court issued an Order dismissing the bankruptcy case “since the debtor(s) have failed to timely file the documents required by the order date 12/5/17[.]”

In addition, on January 8, 2018, the same day that Sheppard timely filed the Required Documents and the Court issued an Order dismissing the bankruptcy case, Movant filed a MOTION OF U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR MORTGAGE LOAN TRUST 2005-AR4 for Relief from Automatic Stay to foreclose on Judith Andrews Sheppard's (also known as Judith A. Sheppard) and G. Linton Sheppard's (the non-filing co-owner) property pursuant to 11 U.S.C. §362 which is currently before this Court.

On January 11, 2018, Sheppard filed a Motion to Vacate Order to Dismiss.

On January 11, 2018, the Court issued a Notice of Hearing to "consider: Motion to Vacate Order Dismissing Case for Failure to File Documents on 2/7/18[.]" Again, because of Sheppard's lack of knowledge as a *pro se* debtor, Sheppard thought that the stay against selling Sheppard's house would temporarily be reinstated until the Court held the Hearing on Sheppard's Motion to Vacate Order to Dismiss.

Sheppard's husband is preparing an application for a modification of the loan on Sheppard's house for which Sheppard and her husband believe they will qualify which they intend to submit imminently. Sheppard will provide the Court with Notice when the submission has been completed.

BRIEF IN SUPPORT OF VACATING THE ORDER TO DISMISS AND FOR DENYING MOVANT'S MOTION FOR RELIEF FROM AUTOMATIC STAY

A. Cause Exists for Vacating the Order to Dismiss

Rule 60(a) of the Federal Rules of Civil Procedure provides that the court "may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record." Furthermore, Rule 6(a)(3) states: "... if the clerk's

office is inaccessible: (A) on the last day for filing under Rule 6(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday[.]”

In a 1985 Amendment, Rule 6(a) was “amended to acknowledge that weather conditions or other events may render the clerk’s office inaccessible one or more days. Parties who are obliged to file something with the court during that period should not be penalized if they cannot do so.”¹

In a 2009 Amendment, Subdivision (a)(3) was further amended to state: “When determining the last day of a filing period stated in days or a longer unit of time, a day on which the clerk’s office is not accessible because of the weather or another reason is treated like a Saturday, Sunday or legal holiday.”²

Clearly, the court was mistaken in dismissing this case. Sheppard did file the Required Documents on Monday, January 8, 2018, because the last day of the filing period was Monday, January 8, 2018 since the Court and the clerk’s office were closed on Friday, January 5, 2018 due to inclement weather.

B. Cause Exists for Denying Movant’s Motion for Relief from Automatic Stay

Sheppard’s husband has submitted an application for a modification of the loan on Sheppard’s house. Because of the positive change in Sheppard’s husband’s circumstances, which Sheppard and her husband believe will continue to get even better, Sheppard and her husband believe they will qualify for a loan modification. Sheppard and her husband believe that the process to gain approval of the loan modification will take at least sixty (60) days during which time leaving the automatic stay in place on the sale of Sheppard’s house is appropriate for all parties.

¹ From Notes of Advisory Committee on Rules – 1985 Amendment.

² From Committee Notes on Rules – 2009 Amendment.

WHEREFORE, Debtor objects to the Relief from Automatic Stay and requests this Court either DENY the Motion for Relief from Automatic Stay or impose a minimum sixty (60) day hold on any order for Relief from Automatic Stay to give the Sheppards time for the process for approval of a loan modification to take place.

DATED: January 23, 2018


Judith Andrews Sheppard, *pro se*

VERIFICATION

I am the Debtor in the within matter. I declare under penalty of perjury that the foregoing statements in the within Debtor's Objection/Opposition to Motion of U.S. Bank National Association, as Trustee for GSR Mortgage Loan Trust 2005-AR4 for Relief from Automatic Stay Under §362 and Brief in Support are true and correct and based on my own personal knowledge.

Dated: January 23, 2018


Judith Andrews Sheppard

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**AFFIDAVIT FACT IN SUPPORT OF OPPOSITION/OBJECTION TO MOTION OF
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR MORTGAGE LOAN
TRUST 2005-AR4 FOR RELIEF FROM AUTOMATIC STAY UNDER §362**

I, G. Linton Sheppard, the within affiant, of age and competent to testify, submit this Affidavit of Fact in Support of Debtor/Respondent Judith Andrews Sheppard's Opposition/Objection to Motion of U.S. Bank National Association, as Trustee for GSR Mortgage Loan Trust 2005-AR4 for Relief from Automatic Stay Under §362 and Brief in Support based on my own personal knowledge and state as follows:

1. On Friday, January 5, 2018, I had the Required Documents in my possession in order to file them with the Court as required by the Order dated December 18, 2018 granting Debtor an extension to file the Required Documents on January 5, 2018.
2. On my way to an early morning meeting on January 5, 2018 before I was going to carry the Required Documents to be filed with the Court, I heard on the radio that all of the courts in the City of Philadelphia were closed as a result of the snowstorm that had occurred on Thursday, January 4, 2018.
3. Upon finishing my meeting on January 5, 2018, suspecting that the Court might also be closed because of the inclement weather, I called several numbers in the clerk's office of the Court and got no answer.
4. After getting no answer to my phone calls to the clerk's office on January 5, 2018, I checked the website for the United States Bankruptcy Court, Eastern District of

Pennsylvania (<http://www.paeb.uscourts.gov/>) which confirmed that the Court was closed due to inclement weather.

5. On Monday morning, January 8, 2018, the first business day after January 5, 2018 when the Court was closed, I took the Required Documents to the clerk's office and filed them at approximately 9:25 AM. While in the clerk's office, I reconfirmed with the lady who accepted the documents that the Court was, in fact closed the previous Friday, January 5, 2018.
6. I am preparing an application for a loan modification that will be submitted imminently.

Further Affiant sayeth naught.



Linton Sheppard

Notice: Use of Notary is for identification purposes only and shall not be construed against Declarant as adhesion, indicia, or submission to any foreign, domestic, or municipal jurisdiction or public venue.

COMMONWEALTH OF PENNSYLVANIA)
) ss. **JURAT**
COUNTY OF MONTGOMERY)

Before me the undersigned, a Notary acting within and for the County of Montgomery and Commonwealth of Pennsylvania on this 23rd day of January, 2018 personally appeared and known to me to be the identical Man, G. Linton Sheppard, who being duly sworn, declared the above to be true, correct, and not meant to mis-lead, to the best of his first hand knowledge, understanding, and belief, executed by his free will and voluntary act and deed the foregoing document.

Given under my hand and seal this 23rd day of January, 2018.

Joan B. Ryan
Notary signature

VOLUME 3

Seal

Joan B Ryan

Printed Notary name

My commission expires 8/5/21

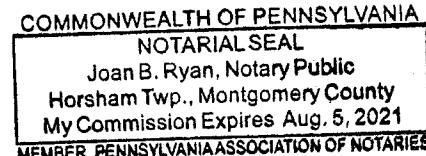


EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Chapter: 7
JUDITH ANDREWS SHEPPARD Bankruptcy No: 17-18194-MDC
Debtor

ORDER

AND NOW, this 18th day of December 2017, upon consideration of Debtor's request for an extension of time until **January 5, 2018** to submit the documents listed in Paragraph 1 of the Order of this Court dated the 5th day of December 2017.

It is hereby ORDERED that Debtor shall be GRANTED an extension of time until **January 5, 2018** to submit the documents listed in Paragraph 1 of the Order of this Court dated the 5th day of December 2017.

By the Court,

Magdalene D. Cahn

Judge, United States Bankruptcy Court

EXHIBIT B

DISMISSED

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Bankruptcy Petition #: 17-18194-mdc**

Assigned to: Judge Magdeline D. Coleman
Chapter 7
Voluntary
No asset

Date filed: 12/05/2017
Debtor dismissed: 01/08/2018
341 meeting: 01/09/2018
Deadline for objecting to discharge: 03/10/2018
Deadline for financial mgmt. course: 03/10/2018

Debtor disposition: Dismissed for Failure to File
Information

Debtor
Judith Andrews Sheppard
2256 Washington Lane
Huntingdon Valley, PA 19006
MONTGOMERY-PA
SSN / ITIN: xxx-xx-1983

represented by **Judith Andrews Sheppard**
PRO SE

Trustee
GARY F. SEITZ
Gellert Scali Busenkell & Brown LLC
The Curtis Center
601 Walnut Street
Suite 750 West
Philadelphia, PA 19106
215-238-0011

U.S. Trustee
United States Trustee
Office of the U.S. Trustee
833 Chestnut Street
Suite 500
Philadelphia, PA 19107
(215) 597-4411

Filing Date	#	Docket Text
12/05/2017	1 (7 pgs)	Chapter 7 Voluntary Petition for Individual . Receipt Number 0, Fee Amount \$0.00 Filed by Judith Andrews Sheppard . Government Proof of Claim Deadline: 6/3/2018. Chapter 7 Statement of Your Current Monthly Income Form 122A-1 due 12/19/2017. Means Test Calculation Form 122A-2 due: 12/19/2017. Schedule A/B due 12/19/2017. Schedule C due 12/19/2017. Schedule D due 12/19/2017. Schedule E/F due 12/19/2017. Schedule H due 12/19/2017. Schedule I due 12/19/2017. Schedule J due 12/19/2017. Statement of Financial Affairs due 12/19/2017. Summary of Assets and Liabilities

		Form B106 due 12/19/2017. Incomplete Filings due by 12/19/2017. (R., Yvette) (Entered: 12/05/2017)
12/05/2017	2	Name of Trustee assigned to case: GARY F. SEITZ, Meeting of Creditors with 341(a) meeting to be held on 01/09/2018 at 01:30 PM at 833 - Chestnut Street. Objections for Discharge due by 03/10/2018. Financial Management Course due by 03/10/2018. (R., Yvette) (Entered: 12/05/2017)
12/05/2017		Receipt Number 249753, Fee Amount \$335.00 (related document(s) 1) Chapter 7 Voluntary Petition for Individual . (R., Yvette) (Entered: 12/05/2017)
12/05/2017	<u>3</u> (2 pgs)	Schedule G - Executory Contracts and Unexpired Leases Filed by Judith Andrews Sheppard . (R., Yvette) (Entered: 12/05/2017)
12/05/2017	<u>4</u> (2 pgs)	Pro Se Statement Filed by Judith Andrews Sheppard . (R., Yvette) (Entered: 12/05/2017)
12/05/2017	<u>5</u>	Statement of Social Security Number Received. Filed by Judith Andrews Sheppard . (R., Yvette) (Entered: 12/05/2017)
12/05/2017	<u>6</u> (1 pg)	Certificate of Credit Counseling Filed by Judith Andrews Sheppard . (R., Yvette) (Entered: 12/05/2017)
12/05/2017	7	Matrix Filed. Number of pages filed: 1, Filed by Judith Andrews Sheppard . (R., Yvette) (Entered: 12/05/2017)
12/05/2017	<u>8</u> (1 pg)	Order Entered the debtor having failed to file or submit with the petition all of the documents required by Fed. R. Bankr.P.1007, It is hereby ORDERED that this case MAY BE DISMISSED WITHOUT FURTHER NOTICE if the documents listed are not filed by deadlines listed: Chapter 7 Statement of Your Current Monthly Income Form 122A-1 due 12/19/2017. Means Test Calculation Form 122A-2 due: 12/19/2017. Schedule A/B due 12/19/2017. Schedule C due 12/19/2017. Schedule D due 12/19/2017. Schedule E/F due 12/19/2017. Schedule H due 12/19/2017. Schedule I due 12/19/2017. Schedule J due 12/19/2017. Statement of Financial Affairs due 12/19/2017. Summary of Assets and Liabilities Form B106 due 12/19/2017. Any request for an extension of time must be filed prior to the expiration of the deadlines listed. (R., Yvette) (Entered: 12/05/2017)
12/06/2017	<u>9</u> (2 pgs)	Notice of Meeting of Creditors. Request submitted to BNC for mailing (related document(s) 2) . (H., Lisa) (Entered: 12/06/2017)
12/07/2017	<u>10</u> (2 pgs)	BNC Certificate of Mailing - Voluntary Petition. Number of Notices Mailed: (related document(s) (Related Doc # 8)). No.

		of Notices: 1. Notice Date 12/07/2017. (Admin.) (Entered: 12/08/2017)
12/08/2017	<u>11</u> (3 pgs)	BNC Certificate of Mailing - Meeting of Creditors. Number of Notices Mailed: (related document(s) (Related Doc # <u>9</u>)). No. of Notices: 6. Notice Date 12/08/2017. (Admin.) (Entered: 12/09/2017)
12/13/2017	<u>12</u> (2 pgs)	Motion to Extend time to file schedules and statements Filed by Judith Andrews Sheppard Represented by Self(Counsel). (W., Christine) (Entered: 12/14/2017)
12/18/2017	<u>13</u> (1 pg)	Order Granting Motion to Extend Time (Related Doc # <u>12</u>) Documents Due by 1/5/2018. Atty Disclosure Statement due 1/5/2018. Schedule A/B due 1/5/2018. Schedule C due 1/5/2018. Schedule D due 1/5/2018. Schedule E due 1/5/2018. Schedule F due 1/5/2018. Schedule H due 1/5/2018. Schedule I due 1/5/2018. Schedule J due 1/5/2018. Statement of Financial Affairs due 1/5/2018. Summary of Assets and Liabilities Form B106 due 1/5/2018. Chapter 7 Statement of Your Current Monthly Income Form 122A-1 Due 1/5/2018 Means Test Calculation Form 122A-2 Due: 1/5/2018. (W., Christine) (Entered: 12/18/2017)
12/20/2017	<u>14</u> (2 pgs)	Notice of Appearance and Request for Notice by MARIO J. HANYON Filed by MARIO J. HANYON on behalf of U.S. Bank National Association, as Trustee Et Al.... (HANYON, MARIO) (Entered: 12/20/2017)
12/20/2017	<u>15</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>13</u>)). No. of Notices: 1. Notice Date 12/20/2017. (Admin.) (Entered: 12/21/2017)
01/08/2018	<u>16</u> (1 pg)	Order Dismissing Judith Andrews Sheppard . Missing Documents. (J., Randi) (Entered: 01/08/2018)
01/08/2018	<u>17</u> (35 pgs; 5 docs)	Motion for Relief from Stay <i>RE: Property Address 2256 Washington Lane, Huntingdon Valley, PA 19006 NKA 2256 Washington Lane, Huntingdon Valley, PA 19006-5826</i> . Fee Amount \$181.00, Filed by U.S. Bank National Association, as Trustee Et Al... Represented by JEROME B. BLANK (Counsel). Objections due by 1/23/2018. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Certificate of Service # <u>3</u> Exhibit A, Supplemental Declaration # <u>4</u> Exhibit B, Note) (BLANK, JEROME) (Entered: 01/08/2018)
01/08/2018	<u>18</u> (2 pgs)	Notice of (related document(s): <u>17</u> Motion for Relief from Stay <i>RE: Property Address 2256 Washington Lane, Huntingdon Valley, PA 19006 NKA 2256 Washington Lane, Huntingdon Valley, PA 19006-5826</i> . Fee Amount \$181.00,) with response deadline and hearing date Filed by U.S. Bank National Association, as Trustee Et Al.... Hearing scheduled 2/7/2018 at

		10:30 AM at nix2 - Courtroom #2. (BLANK, JEROME) (Entered: 01/08/2018)
01/08/2018	<u>19</u> (2 pgs)	Matrix Filed. Number of pages filed: 2, Filed by Judith Andrews Sheppard . (W., Christine) (Entered: 01/09/2018)
01/08/2018	<u>20</u> (2 pgs)	Pro Se Statement Filed by Judith Andrews Sheppard . (W., Christine) (Entered: 01/09/2018)
01/08/2018	<u>21</u> (8 pgs)	Proper Form of Petition Filed by Judith Andrews Sheppard . (W., Christine) (Entered: 01/09/2018)
01/08/2018	<u>22</u> (2 pgs)	Summary of Assets and Liabilities and Certain Statistical Information Filed by Judith Andrews Sheppard . (W., Christine) (Entered: 01/09/2018)
01/08/2018	<u>23</u> (27 pgs)	Schedules A/B - J Filed by Judith Andrews Sheppard . (W., Christine) (Entered: 01/09/2018)
01/08/2018	<u>24</u> (13 pgs)	Statement of Financial Affairs for Individual Filed by Judith Andrews Sheppard . (W., Christine) (Entered: 01/09/2018)
01/08/2018	<u>25</u> (2 pgs)	Chapter 7 Statement of Your Current Monthly Income Form 122A-1 Filed by Judith Andrews Sheppard . (W., Christine) (Entered: 01/09/2018)
01/10/2018		Receipt of Motion for Relief From Stay(17-18194-mdc) [motion,mrlfsty] (181.00) Filing Fee. Receipt number 19672161. Fee Amount \$ 181.00. (re: Doc# <u>17</u>) (U.S. Treasury) (Entered: 01/10/2018)
01/10/2018	<u>26</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>16</u>)). No. of Notices: 7. Notice Date 01/10/2018. (Admin.) (Entered: 01/11/2018)
01/11/2018	<u>27</u> (12 pgs)	Pro-Se Debtors Motion to Vacate (related documents Dismiss Case for Failure to File Documents) Filed by Judith Andrews Sheppard Represented by Self(Counsel) (related document(s) <u>16</u>) . (W., Christine) (Entered: 01/11/2018)
01/11/2018	<u>28</u> (1 pg)	Proposed Order Re:To Vacate Order Dismissing Case for Failure to File Documents Filed by Judith Andrews Sheppard (related document(s) <u>27</u>). (W., Christine) (Entered: 01/11/2018)
01/11/2018	<u>29</u> (1 pg)	Hearing Set <u>27</u> Pro-Se Debtors Motion to Vacate (related documents Dismiss Case for Failure to File Documents) Filed by Judith Andrews Sheppard . Hearing scheduled 2/7/2018 at 10:30 AM at nix2 - Courtroom #2. (W., Christine) (Entered: 01/11/2018)
01/13/2018	<u>30</u>	BNC Certificate of Mailing - Hearing Set. Number of Notices

(2 pgs)

Mailed: (related document(s) (Related Doc # 29)). No. of Notices: 1. Notice Date 01/13/2018. (Admin.) (Entered: 01/14/2018)

PACER Service Center			
Transaction Receipt			
01/22/2018 22:31:32			
PACER Login:	Lin_Sheppard:4729153:0	Client Code:	
Description:	Docket Report	Search Criteria:	17-18194-mdc Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
Billable Pages:	3	Cost:	0.30

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Judith Andrews Sheppard)	Chapter 7
Debtor)	
U.S. Bank National Association, as Trustee for)	Bankruptcy Case No. 17-18194-mdc
GSR Mortgage Loan Trust 2005-AR4,)	
Movant,)	OPPOSITION/OBJECTION TO
v.)	MOTION OF U.S. BANK NATIONAL
Judith Andrews Sheppard,)	ASSOCIATION, AS TRUSTEE FOR
and)	GSR MORTGAGE LOAN TRUST
Gary F. Seitz, Trustee,)	2005-AR4 FOR RELIEF FROM
Respondents.)	AUTOMATIC STAY UNDER §362
)	AND BRIEF IN SUPPORT

CERTIFICATE OF SERVICE

I, Judith Andrews Sheppard, *pro se*, debtor, hereby certify that I caused to be served a true and correct copy of the Objection/Opposition to Motion of U.S. Bank National Association, as Trustee for GSR Mortgage Loan Trust 2005-AR4 for Relief from Automatic Stay Under §362 and Brief in Support by Certified Mail, postage prepaid, at the respective last known address forth below:

Jerome Blank, Esq.
Phelan Hallinan Diamond & Jones LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
Certified Mail #: 7016 0910 0001 7662 5227

Gary F. Seitz, Trustee
Gellert Scali Busenkell & Brown LLC
601 Walnut Street
The Curtis Center, Suite 750 West
Philadelphia, PA 19106
Certified Mail #: 7016 0640 0001 7662 5234

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: January 23, 2018

Judith Andrews Sheppard
Judith Andrews Sheppard, *pro se*
2256 Washington Lane
Huntingdon Valley, PA 19006
Judy.linsheppard@gmail.com
(215) 380-0914